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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted With Initial  
Filing **OR** ☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number EX02-049C2

First Named Inventor Hager, et al

COMPLETE IF KNOWN

Application Number 10/797,978

Filing Date 3/10/2004

Art Unit

Examiner Name

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Multi-Well Apparatus

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/10/2004 as United States Application Number or PCT International

Application Number 10/797,978 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

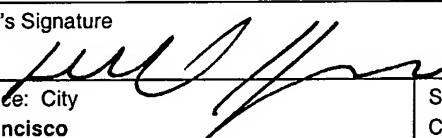
[Page 1 of 2]

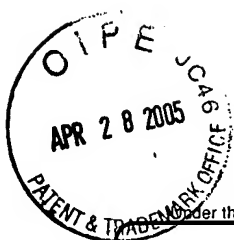
This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input checked="" type="checkbox"/> Customer Number	23500	OR	<input type="checkbox"/> Correspondence address below
Name Exelixis, Inc.					
Address 170 Harbor Way					
City South San Francisco		State CA		ZIP 94083-0511	
Country US		Telephone 650-837-7000		Fax 650-837-8234	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) David Clarence			Family Name or Surname Hager		
Inventor's Signature 			Date 4/26/05		
Residence: City San Francisco		State CA	Country US	Citizenship US	
Mailing Address 2542 46th Avenue					
City San Francisco		State CA	Zip 94116	Country US	
NAME OF SECOND INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Jeffery D. <b>JEFFREY D.</b>			Family Name or Surname Donaldson		
Inventor's Signature 			Date 3/18/2005		
Residence: City Tigard		State OR	Country US	Citizenship US	
Mailing Address 8550 S.W. Colony Creek Court					
City Tigard		State OR	Zip 97224	Country US	
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 2 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					



<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S) Supplemental Sheet</b>
Page 3 of 3	

<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Patrick		Kearney	
Inventor's Signature 		Date 3/24/05	
Residence: City	San Francisco	State	CA
		Country	US
Citizenship US			
Mailing Address 195 Bocana Street			
Mailing Address			
City	San Francisco	State	CA
		ZIP	974110
		Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Douglas O.		Keller	
Inventor's Signature		Date	
Residence: City	Lake Oswego	State	OR
		Country	US
Citizenship US			
Mailing Address 17754 Treetop Lane			
Mailing Address			
City	Lake Oswego	State	OR
		Zip	97034
		Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
James William		Leahy	
Inventor's Signature		Date	
Residence: City	San Leandro	State	CA
		Country	US
Citizenship US			
Mailing Address 1185 Camellia Court			
Mailing Address			
City	San Leandro	State	CA
		Zip	94577
		Country	US

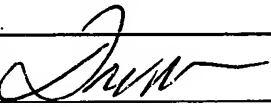
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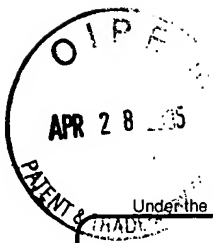
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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S) Supplemental Sheet</b>	Page <u>3</u> of <u>3</u>
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<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Patrick		Kearney					
Inventor's Signature		Date					
Residence: City	San Francisco	State	CA	Country	US	Citizenship	US
Mailing Address 195 Bocana Street							
Mailing Address							
City	San Francisco	State	CA	ZIP	974110	Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
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Douglas O.		Keller					
Inventor's Signature 		Date					
Residence: City	Lake Oswego	State	OR	Country	US	Citizenship	US
Mailing Address 17754 Treetop Lane							
Mailing Address							
City	Lake Oswego	State	OR	Zip	97034	Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
James William		Leahy					
Inventor's Signature		Date					
Residence: City	San Leandro	State	CA	Country	US	Citizenship	US
Mailing Address 1185 Camellia Court							
Mailing Address							
City	San Leandro	State	CA	Zip	94577	Country	US

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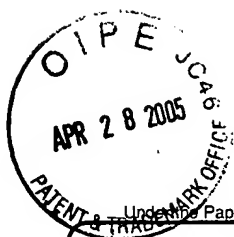
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**DECLARATION****ADDITIONAL INVENTOR(S)  
Supplemental Sheet**Page 3 of 3

<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Patrick		Kearney	
Inventor's Signature		Date	
Residence: City	San Francisco	State	CA
Country	US	Citizenship	US
Mailing Address 195 Bocana Street			
Mailing Address			
City	San Francisco	State	CA
ZIP	974110	Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Douglas O.		Keller	
Inventor's Signature		Date	
Residence: City	Lake Oswego	State	OR
Country	US	Citizenship	US
Mailing Address 17754 Treetop Lane			
Mailing Address			
City	Lake Oswego	State	OR
Zip	97034	Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
James William		Leahy	
Inventor's Signature <i>James William Leahy</i>		Date <i>4/6/05</i>	
Residence: City	San Leandro	State	CA
Country	US	Citizenship	US
Mailing Address 1185 Camellia Court			
Mailing Address			
City	San Leandro	State	CA
Zip	94577	Country	US

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PTO/SB/02A (09-04)

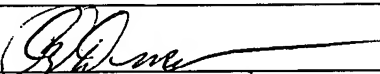
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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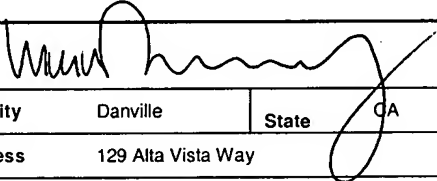
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Robert D.		Mercer	
Inventor's Signature 		Date 4-04-05	
Residence: City	Cornelius	State	OR
Country	US	Citizenship	US
Mailing Address 4-04-05 1984 SW Blooming-Fern Hill Rd 39641			
Mailing Address			
City	Cornelius	State	OR
ZIP	97113	Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Michael		Morrissey	
Inventor's Signature		Date	
Residence: City	Danville	State	CA
Country	US	Citizenship	US
Mailing Address 129 Alta Vista Way			
Mailing Address			
City	Danville	State	CA
Zip	94506	Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Troy M.		Swartwood	
Inventor's Signature		Date	
Residence: City	Seattle	State	WA
Country	US	Citizenship	US
Mailing Address 4044 NE 58th Street			
Mailing Address			
City	Seattle	State	WA
Zip	98105	Country	US

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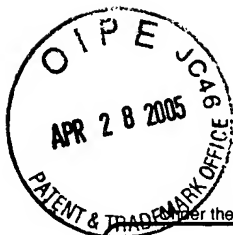


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Robert D.		Mercer					
Inventor's Signature		Date					
Residence: City	Cornelius	State	OR	Country	US	Citizenship	US
Mailing Address 19641 SW Blooming-Fern Hill Rd							
Mailing Address							
City	Cornelius	State	OR	ZIP	97113	Country	US
<b>Name of Additional Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Michael		Morrissey					
Inventor's Signature 		Date		3-24-2005			
Residence: City	Danville	State	CA	Country	US	Citizenship	US
Mailing Address 129 Alta Vista Way							
Mailing Address							
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Troy M.		Swartwood					
Inventor's Signature		Date					
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Page <u>4</u> of <u>4</u>	

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Given Name (first and middle (if any))				Family Name or Surname	
Robert D.				Mercer	
Inventor's Signature				Date	
Residence: City	Cornelius	State	OR	Country	US
Mailing Address 19641 SW Blooming-Fern Hill Rd					
Mailing Address					
City	Cornelius	State	OR	ZIP	97113
Country US					
<b>Name of Additional Inventor, if any</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
Michael				Morrissey	
Inventor's Signature				Date	
Residence: City	Danville	State	CA	Country	US
Mailing Address 129 Alta Vista Way					
Mailing Address					
City	Danville	State	CA	Zip	94506
Country US					
<b>Name of Additional Inventor, if any</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
Troy M.				Swartwood	
Inventor's Signature <i>Troy M Swartwood</i>				Date 3/17/05	
Residence: City	Seattle	State	WA	Country	US
Mailing Address 4044 NE 58th Street					
Mailing Address					
City	Seattle	State	WA	Zip	98105
Country US					

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## ASSIGNMENT

WHEREAS we, David Clarence Hager, Jeffrey D. Donaldson, Patrick Kearney, Douglas O. Keller, James William Leahy, Robert D. Mercer, Michael Morrissey, and Troy M. Swartwood, have previously entered into an agreement with Exelixis, Inc., South San Francisco, CA, to assign all our right, title and interest in and to any and all inventions made or conceived or reduced to practice during the course of our employment with Exelixis, and further agreed to execute additional assignment documents to assist Exelixis with respect to its proprietary rights, and wherein we, during the course of our employment with Exelixis have invented **Multi-Well Apparatus** (hereinafter "Invention"), disclosed in an application for United States patent, said application filed on March 10, 2004, Serial No. 10/797,978.

We are informed that Exelixis, Inc., 170 Harbor Way, P.O. Box 511, South San Francisco, California 94083-511 is desirous of obtaining an assignment document that indicates that Exelixis Plant Sciences, Inc., a wholly owned subsidiary of Exelixis, Inc. (collectively hereinafter referred to as Assignee), has received all right, title and interest to the Invention.

Now, therefore, and in consideration of our employment and compensation paid to us by Assignee and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, we have assigned to said Assignee and said Assignee's legal representatives, successors and assigns, the entire right, title, and interest (a) in and to said application and said Invention; (b) in and to all rights to apply for foreign patents on said invention; (c) in and to any and all applications filed and any and all patents granted on said Invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, continuation or nonprovisional 37 CFR 1.53(b) application of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this agreement.

We hereby authorize the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

We have conveyed to said Assignee the entire right to make application in its own behalf for protection of said Invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and we have agreed that we will at any time upon request, without further or additional compensation or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable or perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.

Date: 4/26/05

Date: 3/18/2005

Date: \_\_\_\_\_

By:   
David Clarence Hager

By:   
Jeffrey D. Donaldson

By: \_\_\_\_\_  
Patrick Kearney

## ASSIGNMENT

WHEREAS we, David Clarence Hager, Jeffrey D. Donaldson, Patrick Kearney, Douglas O. Keller, James William Leahy, Robert D. Mercer, Michael Morrissey, and Troy M. Swartwood, have previously entered into an agreement with Exelixis, Inc., South San Francisco, CA, to assign all our right, title and interest in and to any and all inventions made or conceived or reduced to practice during the course of our employment with Exelixis, and further agreed to execute additional assignment documents to assist Exelixis with respect to its proprietary rights, and wherein we, during the course of our employment with Exelixis have invented **Multi-Well Apparatus** (hereinafter "Invention"), disclosed in an application for United States patent, said application filed on March 10, 2004, Serial No. 10/797,978.

We are informed that Exelixis, Inc., 170 Harbor Way, P.O. Box 511, South San Francisco, California 94083-511 is desirous of obtaining an assignment document that indicates that Exelixis Plant Sciences, Inc., a wholly owned subsidiary of Exelixis, Inc. (collectively hereinafter referred to as Assignee), has received all right, title and interest to the Invention.

Now, therefore, and in consideration of our employment and compensation paid to us by Assignee and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, we have assigned to said Assignee and said Assignee's legal representatives, successors and assigns, the entire right, title, and interest (a) in and to said application and said Invention; (b) in and to all rights to apply for foreign patents on said invention; (c) in and to any and all applications filed and any and all patents granted on said Invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, continuation or nonprovisional 37 CFR 1.53(b) application of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this agreement.

We hereby authorize the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

We have conveyed to said Assignee the entire right to make application in its own behalf for protection of said Invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and we have agreed that we will at any time upon request, without further or additional compensation or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable or perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.

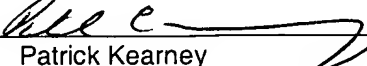
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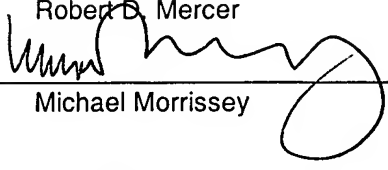
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Date: 3/17/05

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